

IN THE UNITED STATES DISTRICT COURT
FOR DISTRICT OF SOUTH CAROLINA

Charles Gene Butler; Phillip Mitchell Butler,

Plaintiffs,

v.

Edisto Electric Cooperative Inc.; Daniel
Eubank; James K. Still,

Defendants.

C/A No. 5:24-cv-4140-SAL

ORDER

Plaintiffs Charles Gene Butler and Phillip Mitchell Butler, proceeding pro se, filed this action asserting violations of federal consumer credit statutes and the Civil Rights Act of 1964. This matter is before the court on the Report and Recommendation (the “Report”) issued by United States Magistrate Judge Paige J. Gossett, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), recommending the action be summarily dismissed without prejudice and without issuance and service of process because the court lacks subject matter jurisdiction. [ECF No. 23.] Attached to the Report was a notice advising Plaintiffs of the procedures and requirements for filing objections to the Report and the serious consequences if they failed to do so. *Id.* at 6. Plaintiffs have not filed objections, and the time for doing so has expired.


The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1).

In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After reviewing the Report, the applicable law, and the record of this case in accordance with the above standards, the court finds no clear error, adopts the Report, ECF No. 23, and incorporates it by reference herein. The Plaintiffs’ claims are **DISMISSED without prejudice and without issuance and service of process.**

IT IS SO ORDERED.

November 12, 2024
Columbia, South Carolina


Sherri A. Lydon
United States District Judge